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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,644	07/20/2001	Andrew S. Kanter	0010-2	1841
25901	7590	06/14/2007	EXAMINER	
ERNEST D. BUFF			CARLSON, JEFFREY D	
ERNEST D. BUFF AND ASSOCIATES, LLC.				
231 SOMERVILLE ROAD			ART UNIT	PAPER NUMBER
BEDMINSTER, NJ 07921			3622	
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			06/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/909,644	KANTER, ANDREW S.	
	Examiner Jeffrey D. Carlson	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 21 February 2007 and 06 March 2007.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the paper(s) filed 2/21/07, 3/6/07 as well as the interview of 3/1/07.

#### ***Response to Amendment***

The amendment filed 3/6/07 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: compensation to users being *directly* provided by advertiser and the compensation to web site owners being *directly* provided by advertiser. Applicants supposed support on page 7 lines 14-16 describe the basis for the payments, but not and notion of "directly provided" payments.

Applicant is required to cancel the new matter in the reply to this Office Action.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1, 3-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Landsman et al (US6687737) in view of Goldhaber et al (US5855008).**

Regarding claims 1, 10, Landsman et al teaches interstitial ads displayed to a user's browser from an Internet server. The ads are triggered based upon code in the web page content [col 10 lines 5-31]. The ads are described as being displayed in browser popup windows which are shown to the user for a specified period of time (i.e. the duration of the ads) and the popup window is then removed upon completion. Landsman et al teaches that the AdDescriptor file specifies whether the user is permitted to prematurely terminate (close) the ad displayed [32:5-46, fig 20]. This is taken to provide a temporary, non-dismissible ad window. Landsman et al also teaches that a log is kept regarding each ad impression [31:53-58]. Landsman et al also teaches targeting ads based on stored user profiles [21:13-20] – this is taken to provide the registered user database and ad viewing history. When a user requests a subsequent webpage (via the user's ISP server(s)), the advertising display is triggered. Landsman et al does not teach compensation. Goldhaber et al teaches many embodiments whereby a registered computer user is compensated for viewing advertising [abstract]. The advertising can be targeted based on the registered user's demographics. The compensation can be directly routed to the user's registered account by the advertiser. Goldhaber et al also teaches an arrangement where in addition to compensating the ad-viewing user, the provider of the user-desired content is also compensated for the advertisement sponsored content [fig 6, col 12 lines 2-18]. This is an advantage over traditional media advertising which embedded ads into content delivered via mass media (i.e. radio, TV). Goldhaber et al notes the benefit of unlinked sponsorship in that the advertising can be targeted to each content-viewing

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user rather than the audience as a whole. It would have been obvious to one of ordinary skill at the time of the invention to have registered and compensated the ad-viewing users as well as the content providers of Landsman et al's system so that users and content providers (i.e. website owners) may be motivated to benefit from online ads. This is taken to provide compensation for the web browsing users as well as web site owners on the basis of ads viewed. Further, Official Notice is taken that web site content owners hosting advertisements typically receive direct payment from the advertiser as a way of earning revenue. It would have been obvious to one of ordinary skill at the time of the invention for the advertiser to have directly paid the web site content owner so he can benefit from his troubles hosting advertising content and allowing the advertising content to be viewed. Most advertisers directly pay the entities (magazines, websites, radio stations, billboard owners, etc) that offer to include ads on their behalf.

Regarding claims 3, 4, Landsman et al teaches that the AdDescriptor file can specify the size and location of the ad window [fig 20]. It would have been obvious to one of ordinary skill at the time of the invention to have displayed the window anywhere including the top of the user's screen or the middle of the user's screen as a design choice so that the ad is quite visible. A pop-up ad displayed to a central portion of a user's screen can be said to be "within" the browser window that visually surrounds it.

Regarding claims 5, 7, the ad display is programmed to be delayed until the user transitions to a subsequent page. Further, Landsman et al teaches ads that sleep for a predetermined time period before they are shown again [32:25-33].

Regarding claims 6, Landsman et al's plurality of ads to be shown and the ad queue are taken to provide a "series of ads" shown in an ad window.

Regarding claim 8, it would have been obvious to one of ordinary skill at the time of the invention to have provided registration buttons and fillable forms/windows on the web site in order to collect registration information pursuant to Goldhaber et al's compensation. Goldhaber et al further discusses collection of personal (demographic) data at registration time.

Regarding claim 9, Official Notice is taken that it is well known for an advertiser to collect email/postal mailing addresses (demographic info) of interested prospective customer so that they can deliver more information about their products, services, sales promotions, etc. It would have been obvious to one of ordinary skill at the time of the invention to have provided buttons on the advertiser's site in order to request more information be sent to them and to have fulfilled such requests via an email. The optionally claimed links need not be taught by the prior art.

Regarding claims 11, 15, 16, the ad display is programmed to be delayed until the user transitions to a subsequent page. Further, Landsman et al teaches ads that sleep for a predetermined time period before they are shown again [32:25-33].

Regarding claim 12, Landsman et al's plurality of ads to be shown and the ad queue are taken to provide a "series of ads" shown in an ad window.

Regarding claims 13, 14, Landsman et al teaches that the AdDescriptor file can specify the size and location of the ad window [fig 20]. It would have been obvious to one of ordinary skill at the time of the invention to have displayed the window anywhere

including the top of the user's screen or the middle of the user's screen as a design choice so that the ad is quite visible. A pop-up ad displayed to a central portion of a user's screen can be said to be "within" the browser window that visually surrounds it.

Regarding claim 17, Landsman et al also teaches targeting ads based on stored user profiles [21:13-20].

**3. Claims 2, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al (US6687737) in view of Goldhaber et al (US5855008) and Radziewicz et al (US5854897).**

Regarding claims 2, 18, 19, Radziewicz et al also teaches interstitial ads. Radziewicz et al teaches that the user's connection speed to the Internet can be measured and such connection speed or the user's terminal capabilities (heavy video/graphics, audio) can be used to select a particular format for the ads [11:7-28]. It would have been obvious to one of ordinary skill at the time of the invention to have specified various ad formats in the AdDescriptor file so that the user can receive rich multimedia ads if their PC/connection could handle such files.

Regarding claim 20, Official Notice is taken that using a wireless connection in order to access the Internet is well known. It would have been obvious to one of ordinary skill at the time of the invention for wireless users to have participated in the system Landsman et al so that they can enjoy the Internet wirelessly.

**4. Claims 1, 3-17 are alternatively rejected under 35 U.S.C. 102(e) as being anticipated by Landsman et al (US6687737) in view of Angles et al (US5933811).**

Regarding claims 1, 10, Landsman et al teaches interstitial ads displayed to a user's browser from an Internet server. The ads are triggered based upon code in the web page content [col 10 lines 5-31]. The ads are described as being displayed in browser popup windows which are shown to the user for a specified period of time (i.e. the duration of the ads) and the popup window is then removed upon completion. Landsman et al teaches that the AdDescriptor file specifies whether the user is permitted to prematurely terminate (close) the ad displayed [32:5-46, fig 20]. This is taken to provide a temporary, non-dismissible ad window. Landsman et al also teaches that a log is kept regarding each ad impression [31:53-58]. Landsman et al also teaches targeting ads based on stored user profiles [21:13-20] – this is taken to provide the registered user database and ad viewing history. When a user requests a subsequent webpage (via the user's ISP server(s)), the advertising display is triggered. Landsman et al does not teach compensation. Angles et al teaches advertisements that are included on the pages of web site content. The advertisement provider computer credits a (registered) consumer account as well as a (registered) content provider account each time a consumer views an ad [abstract]. It would have been obvious to one of ordinary skill at the time of the invention to have registered and compensated the ad-viewing users as well as the content providers of Landsman et al's system so that users and content providers (i.e. website owners) may be motivated to benefit from online ads.

Regarding claims 3, 4, Landsman et al teaches that the AdDescriptor file can specify the size and location of the ad window [fig 20]. It would have been obvious to one of ordinary skill at the time of the invention to have displayed the window anywhere including the top of the user's screen or the middle of the user's screen as a design choice so that the ad is quite visible. A pop-up ad displayed to a central portion of a user's screen can be said to be "within" the browser window that visually surrounds it.

Regarding claims 5, 7, the ad display is programmed to be delayed until the user transitions to a subsequent page. Further, Landsman et al teaches ads that sleep for a predetermined time period before they are shown again [32:25-33].

Regarding claims 6, Landsman et al's plurality of ads to be shown and the ad queue are taken to provide a "series of ads" shown in an ad window.

Regarding claim 8, Angles et al teaches user registration via an HTML document in which the user submits demographic information (sex, age, etc) [col 17 lines 3-9]. It would have been obvious to one of ordinary skill at the time of the invention to have provided registration buttons and fillable forms/windows on the web site in order to collect the desired registration information.

Regarding claim 9, Official Notice is taken that it is well known for an advertiser to collect email/postal mailing addresses (demographic info) of interested prospective customer so that they can deliver more information about their products, services, sales promotions, etc. It would have been obvious to one of ordinary skill at the time of the invention to have provided buttons on the advertiser's site in order to request more

information be sent to them and to have fulfilled such requests via an email. The optionally claimed links need not be taught by the prior art.

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Regarding claim 17, Landsman et al also teaches targeting ads based on stored user profiles [21:13-20].

**5. Claims 2, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsman et al (US6687737) in view of Angles et al and Radziewicz et al (US5854897).**

Regarding claims 2, 18, 19, Radziewicz et al also teaches interstitial ads. Radziewicz et al teaches that the user's connection speed to the Internet can be measured and such connection speed or the user's terminal capabilities (heavy

video/graphics, audio) can be used to select a particular format for the ads [11:7-28]. It would have been obvious to one of ordinary skill at the time of the invention to have specified various ad formats in the AdDescriptor file so that the user can receive rich multimedia ads if their PC/connection could handle such files.

Regarding claim 20, Official Notice is taken that using a wireless connection in order to access the Internet is well known. It would have been obvious to one of ordinary skill at the time of the invention for wireless users to have participated in the system Landsman et al so that they can enjoy the Internet wirelessly.

### ***Response to Arguments***

Applicant argues that neither Landsman et al nor Goldhaber provide direct compensation from advertiser to web site owner. As explained above, it is believed to have been obvious to have done so. Further, Angles et al is being used alternatively to teach such direct compensation.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Carlson whose telephone number is 571-272-6716. The examiner can normally be reached on Mon-Fri 8a-5:30p, (work from home on Thursdays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jeffrey D. Carlson  
Primary Examiner  
Art Unit 3622

jdc